

***United States Court of Appeals
for the Second Circuit***



APPELLEE'S BRIEF

75-7682

75-7682
To be submitted by
Randolph Jackson

United States Court of Appeals for the
Second Circuit

Docket # 75-7682

ROBERT CALHOUN,

APPELLANT,

-v-

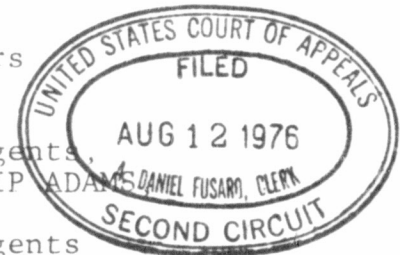
H. SPENCER KUPPERMAN ESQ.,
CRAVATH, SWAIN & MOORE, its agents and others
THACHER, PROFFITT, PRIZER, CRAWLEY & WOOD,
its agents and others,
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, its agents,
MICHAEL H. DIAMOND, HENRY P. BAER, J. PHILLIP ADAMS,
PEGGY L. KERR, and others
FREEMEN, MEADE, WASSERMAN & SHARFMAN, its agents
and others.

Defendants-Respondents.

BRIEF FOR APPELLEE
H. SPENCER KUPPERMAN

Randolph Jackson
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IN THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

#75-7682

ROBERT CALHOUN JR.,

Plaintiff-Appellant

-against-

H. SPENCER KUPPERMAN ESQ.,
CRABATH, SWAIN & MOORE, its agents and others
THACHER PROFFITT, PRIZER, CRAWLEY & WOOD,
its agents and others,
SKADDEN, ARPS, SLATE, MEAGHER & FLOM, its agents,
MICHAEL H. DIAMOND, HENRY P. BAER, J. PHILLIP ADAMS
PEGGY L. KERR, and others
FREFMAN, MEADE, WASSERMAN & SHARFMAN, its agents
and others

Defendants-Respondants.

on Appeal from the United States District
Court for the Southern District of New York.

Brief for Appellee H. SPENCER KUPPERMAN

STATEMENT OF CASE

Appellee, H. SPENCER KUPPERMAN, adopts the statement of the case
as set forth in the brief submitted by THACHER, PROFFITT, PRIZER,
CRAWLEY & WOOD.

A. INTRODUCTION

H SPENCER KUPPERMAN is an attorney duly admitted to practice law in the State of New York, and admitted to practice in both the Southern and Eastern Districts of the United States Federal Court, for New York. As was indicated before Hon. Justice Kevin T. Duffy at a chambers conference with the Plaintiff and all of the Defendants present, Mr. Kupperman had originally represented the Plaintiff's wife, and not the Plaintiff, some years ago in her action against Riverside Research Institute and Columbia University. It appears from the Plaintiff-Appellant's appendix to his brief that Mr. Kupperman was substituted as counsel in 1972. From that time on he was not only not involved with the case, but had no idea as to its outcome. It was only because of the initiation of this law suit that he discovered the ultimate outcome of the original law suit brought on behalf of the Plaintiff's wife.

ARGUMENT

The action brought by the Appellant was properly dismissed by Hon. Justice Kevin T. Duffy. The record before Judge Duffy provided ample basis for his decision.

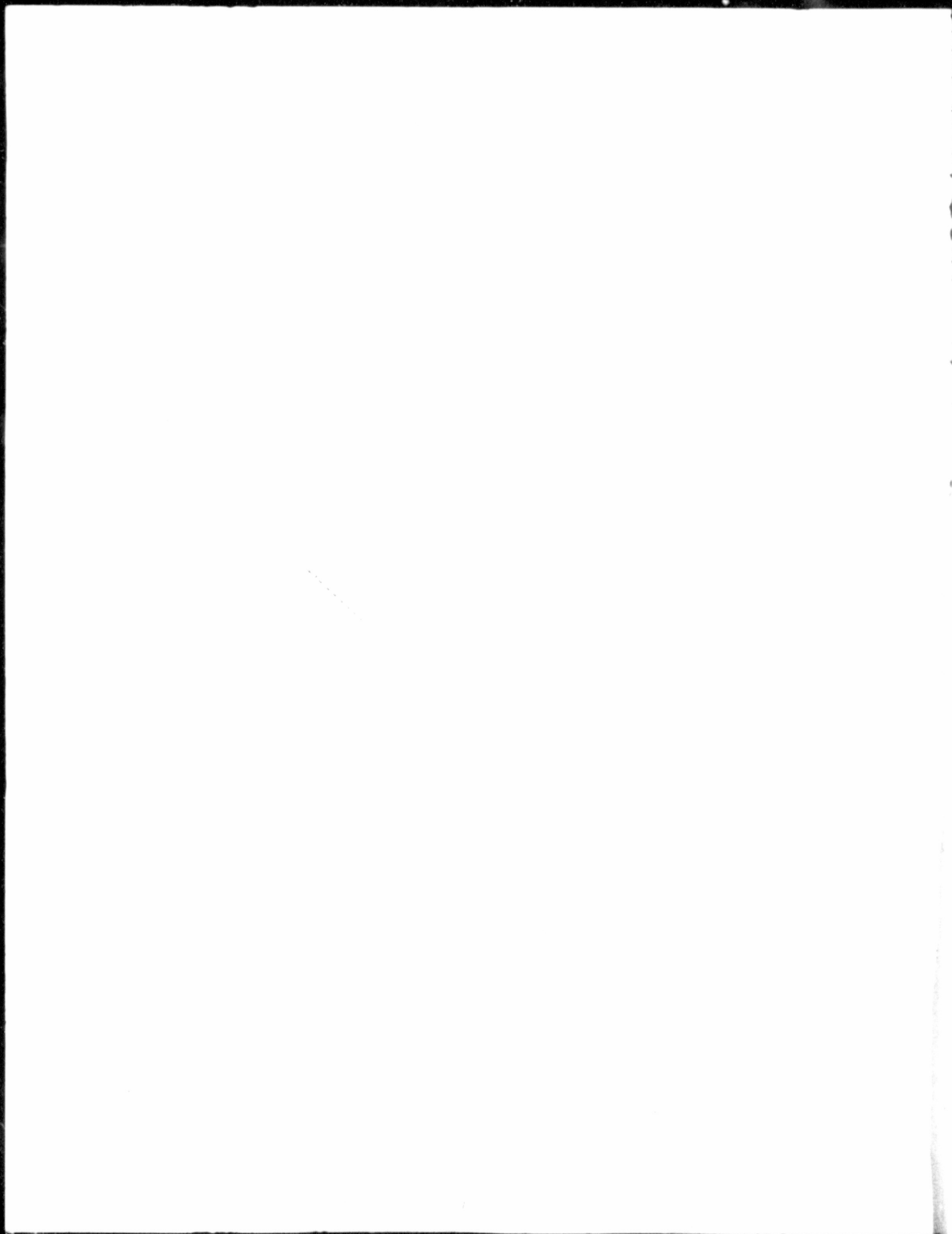
CONCLUSION

Therefore, because the Appellee H. SPENCER KUPPERMAN was removed from the action since 1972, and because there is no basis for this appeal, except in the imagination of the Appellant, it is respectfully requested that the Court deny Appellant's appeal.

DATED: August 12, 1976
Brooklyn, New York

Respectfully submitted,

Randolph Jackson
Jackson & Kupperman
189 Montague Street
Brooklyn, New York 11201



STATE OF NEW YORK)
COUNTY OF KINGS) ss.:

ANN FISHMAN, being duly sworn, deposes and says; that deponent is not a party to the action is over 18 years of age and resides in Brooklyn, New York.

THAT on the 12th day of August, 1976 deponent served the within Brief for Appellee, H. SPENCER KUPPERMAN, upon ROBERT CALHOUN, Appellant in this action at 111-11 132nd Street, Jamaica, New York, 11420, the address designated for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office department within New York State.

Ann Fishman

Sworn to before me this
12th day of August, 1976.

Marion R. Buchbinder
Notary Public

MARION R. BUCHBINDER
Notary Public, State of New York
No. 4146-1001
Qualified in Queens County
Commission Expires March 1, 1978